

**OPERATIONAL PROCEDURES**  
Of The  
**CROOK COUNTY PARKS & RECREATION DISTRICT**  
**BOARD OF DIRECTORS**

(October 3, 1986) Amended 7-1-1994  
Amended September 9, 2009  
Amended January 20, 2017

PRINEVILLE, OREGON

THE BOARD SHALL BE GOVERNED BY THE GENERAL STATUTES OF THE STATE OF OREGON, ORS Chapter 198 (Special Districts general) and Chapter 266 (Parks and Recreation Districts)

**ARTICLE 1 SPECIAL DISTRICTS**

**Section 1 LEVY OF TAXES** the District shall levy taxes to balance the expenses and revenues of the District: this will be in accordance with ORS 310.010 to 310.890.

- CCPRD permanent tax rate limit levy is 0.7569 per \$1000 of taxable assessed value.

**Section 2 FISCAL YEAR** The fiscal year of the Crook County Parks & Recreation District shall begin July 1st and continue until June 30<sup>th</sup> the following year.

**Section 3 QUALIFICATIONS OF GOVERNING BODY** The power and authority given the Parks & Recreation District, except as otherwise provided, shall be exercised by a board of five directors, each of whom shall be an elector of the District, in accordance with ORS 266.310. Each Board Director will serve a four-year term; terms will be staggered.

- Elections: The Crook County Clerk (Elections Officer) has total responsibility for the conduct and administration of special District elections. Elections take place in May. The CC Clerk will send the appropriate paper work to the main office which will need to be filled out and submitted on a timely basis.
- All board members are considered a “public official” and fall under the guidelines set up in ORS chapter 244
- All board members must live within the district boundaries. If a director moves out of the district during the term of office he/she loses their position.
- Volunteer public officials may hold as many unpaid public offices as they wish. Dual office holding is not a conflict of interest.

**Section 4 FILLING OF VACANCIES** A vacancy in an elected office shall be filled by appointment by a majority of the remaining members of the governing body. ORS 198.320

- CCPRD will advertise any vacancies and take applications. Applicants will be invited to attend a public meeting where they will be interviewed by the remaining board members. The board will determine by a vote who they will appoint to fill the vacant position.

- The period of service of a person appointed shall expire June 30 following the next regular district election at which a successor is elected. The successor shall be elected to serve the remainder, if any, of the term for which the appointment was made. If the term for which the appointment was made expires June 30 after the election of the successor, the successor shall be elected to a full term. In either case the successor shall take office July 1 following the election.

**Section 5 QUORUMS** A majority (3) of the Board shall at all time constitute a quorum.

**Section 6 BOARD POWERS** District board members have no individual powers separate from the powers of the board, and have no authority to act individually without delegation of authority from the board. Board members only have the right and responsibility to participate in board meetings and vote on district matters as part of the board. Acting without authority can cause personal and district liability

- Individual board members have no individual authority to direct district staff, consultants, contractors, or administrative activities without delegation of such authority from the board.
- Board members typically make legislative (legislative decisions constitute law or policy), administrative (administrative decisions generally carry out or implement previously adopted law or policy), and quasi-judicial type decisions (quasi-judicial decisions must comply with state and federal due process rights, they requires a decision based on the law and the evidence power to implement policy).
  - Adopting a budget would be legislative, spending the money is administrative.
  - Quasi-judicial power requires due process. For example: appeal of a termination by an employee.
- A district can delegate some types of powers. Legislative power cannot be delegated; only administrative or quasi-judicial power can be delegated.
- A boards basic function is policy making – not administration

**Section 7 BOARD RESPONSIBILITIES** the most important activity of the board is the formulation and interpretation of district policies. Board members responsibilities include:

- Becoming familiar with and abiding by all laws and policies governing the operation of the district.
- Approving policies of the organization
- Developing and approving long-range plan of growth and development for the organization.
- Approving specific important projects
- Approving any significant departure from established plans or policy
- Approving contracts binding the organization
- Passing district resolutions, or adopting ordinances
- Approving any employee benefit plans

## ARTICLE II OFFICERS

**Section 1 ELECTION OF OFFICERS** At the annual meeting, first meeting of the fiscal year (first regular scheduled meeting in July), the Board will nominate and elect the following officers to serve for one year from date of election:

- Chairman
- Vice-Chairman
- Secretary
- Secretary Pro-tem (the Office Manager is usually elected as Secretary Pro-tem, she/he is then responsible for recording the minutes)

**Section 2 SPECIAL ELECTION** In the event of a failure for any reason to elect any of the said officers, or in case a vacancy shall occur in any of the said offices for any reason, then an election may be held at any regular or special meeting of the Board. Notice of such election must be stated in the agenda notice.

**Section 3 DUTIES OF THE CHAIRMAN** the Chairman of the Board shall preside at the meetings of the Board, and shall perform the other duties ordinarily performed by that officer.

**Section 4 DUTIES OF THE VICE-CHAIRMAN** The Vice-Chairman of the Board, in the absence of the Chairman, shall perform all the duties of the Chairman of the Board. In the absence of both the Chairman and the Vice-Chairman, the board shall elect a Chairman pro tem who shall perform the duties of the Chairman of the Board.

**Section 5 DUTIES OF THE SECRETARY** The secretary shall keep or cause to be kept a full and true record of all special meetings, and meetings at which the staff secretary is unable to attend. The Secretary shall also be the co- signer of all legal documents, loans, and other necessary contracts.

**Section 6 DUTIES OF THE BOARD MEMBERS**

- All Board Members shall have the authority to define objectives of public recreation and park services and make plans and general policy that will complete the objectives.
- Board Members shall maintain the highest quality and standards of recreation and parks services.
- Board Members shall interpret the importance and need of recreation services and park facilities to the general public.
- Board Members shall maintain a close working relationship as a group, and also with the Director and staff members.
- Board Members, through the Director, shall maintain a close working relationship with the School District, Chamber of Commerce, City of Prineville, Crook County, and other Central Oregon Recreation Districts. Where applicable, bring these groups into the planning and decision-making process.

- Board Members shall approve the annual budget, and then monitor district finances and the budget, setting policy or taking action to ensure the fiscal integrity of the organization.
- Board Members shall evaluate the services, staff, and facilities in relation to the original objectives. Once programs are established, to carry out policy, it is the task of the Director to appraise the services and facilities in relation to policy and recommend change as experience dictates.
- Board Members serve as a policy making group that shall provide the guidelines, the purposes, and goals; while the implementation of these purposes is the duty of the Director and the staff.
- Board Members will at the first meeting in January (or as quickly thereafter as is possible) establish the year's goals and objectives.

**Section 7 BOARD RESPONSIBILITIES**

- A potential conflict of interest exists when an official takes action that reasonably could be expected to have a financial impact on that official, a relative or a business with which the official or official's relative is associated.
- An actual conflict of interest occurs when the action is reasonably certain to result in a financial benefit or detriment. It will occur when an action is taken that directly and specifically affects land, a business, or any other financial interest of the board member or board members relative. See Article III Section 13.

**Section 8 CODE OF ETHICS** Under the Oregon code of Ethics (ORS 244.040), the following are prohibited regardless of disclosure:

- Use of or an attempt to use official position for financial gains or to avoid financial detriment that would not otherwise be available but for the public official's holding of the official position. This prohibition does not include acceptance of official salary, reimbursement of expenses, honoraria and unsolicited awards for professional achievement.
- Use of confidential information.
- Promises of future employment.
- Receipt of gifts over \$50.00 (see appendix G in employee policy). Exempts food, lodging and travel received by relative of public official from the \$50 gift limit when a public official participates in an event in his/her official capacity (HB 3328).

The OSPA can levy fines for violation of the Code of Ethics up to \$1,000. Also, an official may be fined to recover any benefit.

**ARTICLE III MEETINGS**

Governed by ORS 192.610 - 192.710, and 192.990

**Section 1 PUBLIC MEETING** is a convening of a quorum of the governing body of a public body for the purpose of deciding or deliberating upon a public issue.

- All public meetings shall be open to the public and all persons shall be permitted to attend any meeting except as otherwise provided by ORS 192.610 to 192.690

**Section 2 REGULAR MEETINGS** shall be held on the second and fourth Wednesday of each month at the hour of 5:15 p.m. Such meetings shall be held at the Juniper Art Guild at 1635 SE Mt. View Road, or at such other places and times as the Board may designate from time to time

**Section 3 PUBLIC MEETING NOTICE** The law requires that public notice be given of the time and place of meetings. This includes regular, special and emergency meetings and workshops, and also includes meetings of subcommittees and advisory committees established by the governing body.

- Notices must be reasonably calculated to give actual notice to interested persons, including news media that have requested notice.
- The same notice must be given if a meeting is to only include an executive session.
- Notice must include a list of the principal subjects anticipated to be considered at the meeting. The agenda does not need to go into detail about subjects scheduled for discussion but should be sufficiently descriptive so that interested persons will have an accurate picture of the anticipated agenda topics. Additional subjects may be considered at the meeting, even though not included in the notice.
- Paid display advertising is not required, and the governing body does not have a duty to be absolutely certain that the notice is published.

**Section 4 SPECIAL MEETINGS** may be called at any time by the Chairman of the Board of Directors, or, by three members of the Board.

- Special meetings require at least a 24 hour notice. Such notice should include a press release or telephone call to media, particularly media that has requested prior notice.

**Section 5 EMERGENCY MEETINGS** may be held on less than 24 hour notice. An actual emergency must exist, and the minutes must describe the emergency, which justifies less than 24 hour notice. Notice of an emergency meeting must be “appropriate to the circumstances,” which should at least include a reasonable attempt to contact the media and other known interested persons.

- At the beginning of any emergency meeting, the Director or Directors calling such meeting shall recite the reasons for calling such meeting, and the reasons the meeting could not have been delayed in order to give at least 24 hours notice. Reasons are to be noted in the minutes.
- An actual emergency on one item does not permit consideration of other items at the emergency meeting.

**Section 6 NOT A PUBLIC MEETING** If less than a quorum of a board meets and discusses a public issue, or if a quorum of the board meets for a reason other than deliberation or decision on a public issue (e.g., a party, a seminar, a reception, etc.) it is not a public meeting.

- If a quorum meets for a reason other than deliberation or decision on a public issue, but then engages in such discussion, the meeting becomes a public meeting and would be unlawful unless proper notice had been given.

**Section 7 BOARD NOTICE OF MEETINGS** shall be mailed / e-mailed to each member of the Board by the District staff the Friday prior to each meeting date. Meeting dates can be changed when necessary

**Section 8 LOCATION** of all meetings shall be held within the geographic boundaries over which the public body has jurisdiction.

- Training sessions may be held outside the jurisdiction so long as no deliberations toward a decision are involved.
- Public meetings must be held in places accessible to individuals with mobility and other impairments.
- The district shall comply with ORS 192.630(5) regarding the provision of interpreters for the hearing impaired.

**Section 9 PUBLIC ATTENDANCE AND PARTICIPATION** The public meeting law requires that attendance be allowed, but not participation by the public. Public participation or input can be disallowed on all but the following three issues:

- Employment of a public officer.
- Determination of standards to be used in hiring a chief executive officer.
- Determination of standards to be used in evaluating the employment-related performance of a chief executive officer.

To be on the Agenda:

- Person or group that wish to address the board must contact the District Office one-week prior to the meeting date, state purpose of their input and have first discussed the situation with the District Director. Visitor input can be time limited due to the number of agenda items.
- The Board shall make a decision at the meeting where information is presented *only* if the issue is considered an emergency by the board.

**Section 10 CONTROL OF MEETINGS** The presiding officer has the inherent authority to keep order and impose reasonable restrictions necessary for the orderly and efficient conduct of a meeting. Unless the board decides otherwise the presiding officer may regulate or disallow public input, may limit public input to relevant points, and may establish time limits for such input. Person who fail to comply with such reasonable regulations or who otherwise disturb the meeting may be asked to leave, and upon failure to do so, may be treated as a trespasser. See Section 16 for Visitor Input.

- Members of the public cannot be prohibited from unobtrusively recording public meetings.
- Smoking is banned at public meetings.

If a visitor wishes to speak about a topic that is on the agenda the Chairman can recognize that visitor by having them state his/her full name and continue with their concerns. A group of visitors with a common purpose should designate a spokesperson for the group.

- Discussion or presentation concerning a published agenda item is limited to its designated place on the agenda unless otherwise authorized by the chairman.
- Statements by members of the public should be brief and concise. The chairman may, at his/her discretion, establish a time limit on discussion or oral presentation by a visitor on any topic.

- At the discretion of the Board chairperson, when meetings are large or controversial, anyone wishing to speak before the Board, either as an individual or as a member of a group, on any agenda item, may do so by providing information to the Board secretary on a sign-in sheet prior to the meeting. This will help the chairman provide adequate time for each agenda item.

**Section 11 EXECUTIVE SESSIONS** District boards may meet in executive (closed) sessions only under certain, statutorily authorized situation, and there are civil penalties for violation of executive sessions laws

- All final decisions must be made outside of the executive session. The public must have a chance to be aware of the final decision. Executive sessions may not be held for the purpose of taking any final action or making any final decision.
- Executive sessions may be called during regular meetings, special, or emergency meetings, for which proper notice has been given. Also, a meeting may be called which is only an executive session. The presiding officer must first announce the statutory authority for the executive session before going into session
- The media cannot be excluded from an executive session, except for sessions regarding labor negotiations. Media representatives in attendance at an executive session should be instructed not to report or disclose matters discussed at the session; if such instruction is not given, the media may disclose the discussions. The presiding officer may prohibit the media from recording an executive session.
- Even though certain persons can be excluded from executive sessions, it does not restrict the authority of the governing body to invite persons not part of the board to attend executive sessions.
- Board members, staff and other persons present shall not discuss or disclose executive session proceedings outside of the executive session without prior authorization of the Board as a whole.

The following are among the permissible purposes for executive sessions (see ORS 192.660 for complete descriptions):

- Employment of Public Officers, Employees and Agents ORS 192.660(1)(a)
- Discipline of Public Officers and Employees ORS 192.660(1)(b)
- Performance Evaluations ORS 192.660(1)(d)
- Labor Negotiations ORS 192.660(1)(d), ORS 192.660(2)
- Exempt Public Records (ORS 192.660(1)(f))
- Legal Counsel ORS 192.660(1)(h)
- Real Property Transactions ORS 192.660(1)(e)
- Trade Negotiations ORS 192.660(1)(g)
- Public Investments ORS 192.660(1)(j)

**Section 12 FORMS OF ACTION** Districts normally take action by use of ordinances, resolutions, and motions. Districts also have the authority to adopt rules and regulations, but would normally do so by adopting either an ordinance or a resolution.

- Ordinance: Ordinances are generally used to adopt law or policy. They are subject to statutory adoption processes found in ORS 198.510 to 198.600. That statutory

adoption process must be followed strictly or the ordinance may be found invalid. Ordinances are subject to initiative and referendum laws.

- **Resolutions:** Resolutions are normally used to express policy or opinion of the board or to approve an action such as a contract or major expenditure of funds. A resolution should not be used for adoption of law or policy that applies to the residents of the district. A resolution may be used for the adoption of internal regulations such as personnel rules.
- **Motions:** Motions are simply devices to place a matter before the board for consideration. It is a procedural device rather than a written document. Motions should not be used to adopt or approve a matter that will have lasting effect beyond the meeting itself.

**Section 13 VOTING** All official actions by governing bodies must be taken by public vote of the governing body, and the results of such vote, including how each board member voted on each issue, must be covered in the minutes. Secret ballots are prohibited. To pass any action a quorum must vote yes. If only a quorum is present, a unanimous vote shall be required to take final action.

- In Oregon, it takes a majority of the entire membership of the board to adopt a motion, resolution or ordinance or take any other action. A majority of a quorum is insufficient.
- In the event of a potential or actual *conflict of interest*, a member of the board shall declare such conflict and explain the nature of the conflict. If it is a *potential conflict* he/she may participate in the discussions and vote. In the case of an *actual conflict* he/she cannot take any official action on the issue. In the event any member of the Board has had any ex parte contact in a quasi-judicial matter, the member shall declare such contact prior to participating in discussion on the matter. See Article II Section 7.

**Section 14 BUDGETING** Districts must adopt and implement annual budgets. A district may not spend public funds which have not been lawfully appropriated in the budget or in a supplemental budget.

- **BUDGET COMMITTEE:** The budget committee is a 10 person advisory group established by statute. The committee is made up of the governing body and five appointed members. The board is responsible for appointing the five members from interested citizens of the district. They are appointed for staggered, three-year terms. The appointed members cannot be employees, officers, or agents of CCPRD.
- **BUDGET PREPARATIONS:** The budget is prepared by staff. The Business Manager acts as the Budget Officer and is responsible for preparing the forms which reflects the audits for three previous years, the adopted budgets for the present year, works with the tax assessor to determine estimated taxes to be received, and calculates the approximate amount of cash carry over that will be available for the new budget year in each fund. She then works closely with the Director and department heads to establish the proposed budget.
- **BUDGET MEETINGS:** The budget committee must conduct public meetings (minimum one) to hear the budget message and review the budget proposed by the budget officer. They listen to comments and questions from interested citizens.

They can revise the proposed budget to reflect changes they want to make in the fiscal policy. When satisfied, they approve the budgets. The budget committee does not have the authority to negotiate employee salaries (beginning & ending salaries, as well as yearly increases are established by policy which has been approved by the regular board, and can only be changed by creating a new policy).

- The Business Manager is responsible for all budget related public notices
- The Director is responsible for preparing the budget message
- BUDGET HEARING: After the budget committee approves the budget, a summary of the approved budget must be published along with the date that the budget hearing will be held. The purpose of the budget hearing is to deliberate on the budget approved by the budget committee and to consider any additional public comments. The governing body conducts the hearing.
  - It is the responsibility of the Business Manager to prepare the budget detail sheets (LB-1, 2, 3, & 4), and do the proper publication of the Budget Hearing.
- ADOPTED BUDGET: The governing body must enact resolutions adopting the budget, making appropriations and imposing and categorize property taxes. This must be done by June 30<sup>th</sup>.
  - It is the responsibility of the Business Manager to complete all of the necessary resolutions for the board to approve. It is also her/his responsibility to fill out all of the necessary forms and send them to the County Assessor and County Clerk by July 15<sup>th</sup> (legally forms do not need to be to the clerk until September 30<sup>th</sup>).

**Section 15 MINUTES AND RECORD KEEPING** Written minutes must be taken of all meetings. Minutes need not be verbatim transcripts, nor are tape recordings required. Minutes, in whatever form, must be a true reflection of matters discussed at the meeting and the views of the participants. Governing bodies must prepare minutes and have them available to the public within a reasonable time after the meeting. Minutes must be made available to the public even though not formally approved by the board.

Executive Session

- Minutes of Executive Session shall be kept separately from minutes of public meetings. Minutes of executive sessions may be kept either in writing, in the same manner as minutes of public sessions, or by tape recording. If minutes of an executive session are kept by tape recording, written minutes are not required, unless otherwise provided by law. ORS 192.650(2)

Written minutes must include:

- Members Present
- Motions, proposals, resolutions, orders, ordinances, and measures proposed
- Results of all votes taken
- The substance of any discussion of any matter
- A reference to any document discussed at the meeting

Retention: Any tape recordings or written minutes of CCPRD meetings shall be retained indefinitely.

**Section 16 ORDER OF BUSINESS** Following shall be the Order of Business of the Board during regular scheduled meeting dates; the rules of order may be suspended and any matters considered or postponed by the action of the Board.

- Call Meeting to Order.
- Consideration of Minutes of last regular meeting and of any special meetings held subsequently and their approval or amendment.
- Visitor Input (when on the agenda –see Section 9)
- Financial Statement
- Staff Reports
- Board Member Input
- Unfinished (old) Business
- New Business

## **ARTICLE IV EMPLOYEE RELATIONS**

**Section 1 THE APPOINTMENT OF THE DIRECTOR** The Board shall employ as Director of Parks and Recreation, a person who gives promise of such leadership as will further the general welfare of the Crook County Parks & Recreation District, its service to the citizens within the District, and the welfare of all those who shall be influenced by it.

**Section 2 DUTIES OF THE DIRECTOR** The Director of the District shall have the privilege of attending all regular meetings of the Board and shall have the right to participate in all discussions. He/she shall be the administrative head of all departments and divisions of the District, both in regard to the recreational program and business management; exercising such supervision and direction as will promote the general welfare and efficiency of the District. He/she shall be the official medium of communication between employees of the District and the Board. He/she shall recommend to the Board all promotions and appointments for the employees. He/she shall notify, or cause to be notified, all persons concerned of the actions taken by the Board for carrying out all measures officially agreed upon and for the execution of such measures concerning the administration of the District as the Board may enact.

- The Director shall at all time act in accordance with the rules, regulations, and policies of the Board, and shall have full authority and responsibility for administering the policies and seeing that action is taken when necessary.
- The Director shall attend all regular meetings of the Board and those special meetings as directed by the Chairman of the Board.
- The Director shall make an activity report on a regular basis, and at least once per each quarter. Revenue and expenditure reports shall be presented to the board quarterly.
- The Director shall see that all payable bills are given his/her approval and submitted to the Board to be approved at each Board Meeting. The Director shall have authority to sign checks along with the Business Manager and three of the Board Members, as all checks require two signatures.
- The Director shall conduct or cause to be conducted such training sessions as necessary for the proper instruction of the Board and volunteers, as well as staff.
- The Director shall be encouraged to attend professional meetings and conferences of recreation personnel, in order to be better informed, and gain personal professional enrichment.

- The Director shall give such publicity, through newspapers, radio, television, and special reports; as to thoroughly acquaint the Board and the citizens of the District with the activities and organization and administration of the programs and facilities. See Appendix A in the policy manual for a complete job description of the Director position.

**Section 3 STAFF APPOINTMENTS** The Director has full responsibility for hiring and supervising all personnel, although not necessarily directly.

- The board is responsible for insisting that personnel complaints go through a proper chain of command. If not resolved only then should the board get involved.
- Board members should not allow personnel problems to be brought into board consideration (other than problems with the district director).

All job classifications, job descriptions, staff policies, rules, and regulations can be found in the policy manual.

## **ARTICLE V GENERAL**

**Section 1 BONDING** The governing body of the District shall require bond of any member of the governing body or any officer or employee of the District whose duties relate to possession and control of District funds and properties. The governing body of the District shall fix the amount of the bond. The premium shall be paid from District funds, stated ORS 198.220.

**Section 2 BOARD MEMBER LIABILITY COVERAGE** All elected and appointed Board Members will be covered under the District’s umbrella liability policy while acting within the scope of their duties. Copies of the current coverage are available though the District office.

**Section 3 CONTRACT PURCHASING** Oregon special districts are required to comply with public contracting laws when purchasing goods and services, and for construction projects. ORS Chapter 279

- Ordinance No. 8-10-88 established that the board serves as the District’s Local Contract Review Board.
- Resolution No. 104-2006 and EXHIBIT A. replaced Resolution 8-10-88-1 due to the Oregon Legislature revising the Oregon Public Contracting Code. Resolution 104-2006 adopts the model rules adopted by the Attorney General under ORS 279A.065 (Model Rules) as the public contracting rules for the District. See resolution and Exhibit A for guidelines.
- In order to obtain supplies and services at the lowest cost; the District shall enter all public contracts over \$5,000 on a competitive bid basis. Although public contracts under \$5,000 are not subject to competitive bidding requirements, the Director shall make a reasonable effort to obtain competitive quotes in order to ensure the best value for the District.

- Laborers on public work projects in excess of \$25,000 must be paid *applicable prevailing wages*. Districts may not divide a project into separate contracts to avoid this requirement.

**Section 4 INVESTMENT OF IDLE FUNDS** the district shall invest funds that are not in use. These funds are described in ORS 294.810 to 294.990.

**Section 5 POLITICAL ACTIVITIES** *Elected officials* may campaign or promote political objectives while on the job. *Public employees* cannot campaign, raise funds, or gather signatures while on the job during working hours, although employees may, express personal political views while on the job during working hours.

- Pursuant to ORS 294.100, public funds may not be used for campaigning. Public officials who authorize such expenditures are personally liable to taxpayers for their return. However, public funds may be used to inform the public regarding measures (ORS 294.100 (2)).

**Section 6 AUDITING** CCPRD is required to have its finances and expenditures audited annually by a certified municipal auditor.

**Section 7 REVENUE SOURCES** Available funding sources are:

- Taxes
- Fees and charges for services
- System Development Charges (SDC)
- Revenue and General Obligation bonds
- Grants and loans (state and federal)
- Short term or interim financing

**Section 8 INTERNAL CONTROLS**

District will assign duties to individuals in such a manner that no one individual can control all phases of collecting cash, recording cash, and processing transactions in a way that permits errors or omissions to go undetected.

The district director is authorized to request departments within the district to provide financial reconciliation when deemed.

- **DEPOSITS**

Deposits will be received by a person other than the depositor of the funds to ensure that funds are placed in the proper district accounts: The Office Manager will receive and record all deposits; the Director will deposit the funds in the bank. The deposits will be recorded in the computer by the Business Manager.

- **ACCOUNTING RECORDS**

All accounting computer records must be kept secure. District uses Business Works for their accounting system. The Business Manager is responsible for all input, editing and reporting using that system. The Office Manager will also be trained on the system.

Accounting records will be backed-up on a bi-weekly basis. They will be backed up once a month and that backup will be secured in a fire proof area, or off premise

Since the Business Manager does the reconciliation of district accounts and also writes the checks, the books must be reviewed regularly by the Director. This review should include check number consistency, vendor recognition; amounts paid, and register balance accuracy.

- **PAYROLL**

The Business Manager acts as the payroll clerk. Payroll checks are printed for all employees including those that receive direct deposits. The Director or a Board Member must sign all checks as well as initial those that receive direct deposits.

On a regular basis, but not less than quarterly, the Director should review employee earnings by pulling Business Works payroll report / employee / earnings / all, checking for employee recognition and amounts paid. The Director will review time sheets and employee files when deemed necessary.

All raises must be approved by the Director. The Director will initial the raise in the employee file.

Employee files are kept in a locked file cabinet in the Business Managers office (old files are kept in a locked file cabinet in the storage area of the office).

- **PURCHASING**

All purchases over \$300.00 will be authorized by the Director. The Parks Supervisor is responsible for reviewing all receipts of purchases done by his/her staff, and turning those receipts into the main office. All invoices will be matched up with a receipt by the Office Manager. All invoices will be verified by the Director and Business Manager prior to payment.

- The Business Manager is responsible for processing the invoices and printing the checks.
- The Office Manager is responsible for mailing the checks.

- **CASH TRANSACTIONS – POOL & SKATE RINK**

- Cash transactions should always involve more than one individual to ensure that cash is properly recorded and deposited.
- There is a system in place to record the number of users. That number multiplied by the cost should equal the receipts.
- The skate rink management is responsible for depositing the funds in the night deposit at the bank and turning the paper work into the office manager. The Office Manager matches the deposit up with the number of users or sale of concessions.
- The pool management is responsible for seeing that the funds are given to the Office Manager who completes the deposit. The Director then takes that deposit to the bank.

- **BAD DEBT**

Bad debt usually comes in the form of a bounced check or theft of service.

- **BOUNCED CHECKS**

All resources will be used to collect on any bounced checks, including filling out the appropriate paper work and turning it over to the police/sheriff department for amounts of \$50.00 or more. If it becomes apparent that the check will not be collected on then authorization for writing off that bad debt shall be given to the Business Manager and Director at the following levels:

- \$ 0 to 50 - Business Manager
- \$50 and above - Director

- **THEFT OF SERVICES**

Non payment of nightly stay or extra vehicles in a campground is considered theft of service – ORS-164.125. The policy will be to send a certified written letter to the subject requesting payment. If payment is not received, the appropriate paper work is filled out and turned over to the police/sheriff department for collection.

- **PETTY CASH**

Petty cash funds require full documentation, including the purpose of the expenditure and who received the petty cash funds. The Office Manager will give out any necessary petty cash. If she is the one needing the cash the Business Manager will give out the funds and document the expenditure. The Business Manager records all petty cash expenditures in the accounting system.

- **CHECK BOOKS & CHECK SIGNING**

- More than one district employee or board member is required to sign all checks. It is recorded with the bank that all checks require double signatures.
- The Director is responsible for maintaining a current signature card with the appropriate financial institution.
- Checkbooks are to be in a secure place at all times during business hours and locked in a filing cabinet or safe during non-business hours.

- **BONDING**

ORS 198.220 requires that any officer or employee of the district who is charged with the possession or control of district funds and properties be bonded.

It is recommended that the Business Manager, RV Park Managers, and any other individuals in high-fidelity risk areas take mandatory annual vacations of at least 10 consecutive working days. Job rotation or independent audit of function should be implemented when two-week vacations are not practical.

- **AUDITS/AUDITORS**

The District is responsible for contracting with a certified public accountant to complete a yearly audit. The audit usually takes place between October 1st and November 30th. The

auditor must conduct his/her audit according to the auditing standards generally accepted in the United States of America, and according to the provisions of the Minimum Standards for audits of Oregon Municipal Corporations, prescribed by the Secretary of State.

- District employees are to cooperate with all auditors, external and internal, regarding any records maintained for or by the district.
- All external and internal audit reports are to be sent to the Board of Directors, Business Manager and Director. The yearly audit performed by the certified public accountant is also sent to Oregon Secretary of State along with required fees.

### **Section 9 CAPITALIZATION**

A “capital asset” is a unit of property with a useful life exceeding one year and a per unit acquisition cost exceeding \$5,000.

Items constituting a set or system should be aggregated and treated as a single unit of property.

Capital assets are recorded as of the date acquired at purchase cost. Tangible assets costing below the aforementioned threshold amount will be recorded as an expense in the year purchased. Assets with an expected useful life of 12 months or less will be expensed when purchased.

Equipment with a purchase value of \$5,000 or more or as regulated by the IRS (including original purchase price, sales commission, freight and transportation cost, and installation costs) will be depreciated using straight-line depreciation method according to the expected useful life.

Asset classes and expected useful life for the District include:

- Office Furniture (such as furniture and fixtures that are not a structural component of a building; examples-desks, files, safes.) – 7 years
- Information Systems (such as computers and their peripheral equipment) – 5 years
- Data Handling Equipment (such as copy machine) – 5 years
- Automobiles, Light and Heavy Purpose Trucks, Equipment – 5 years
- Land Improvements – 15 years
- Other – 7 years

### **Section 10 CREDIT CARD USE POLICY**

Regular full-time and regular part-time employees may be eligible for a company credit card. To be eligible for a company credit card an employee must travel frequently in the course of his/her duties, purchase significant volumes of goods and services for use by the employer, or incur other regular frequent business expenses of a kind appropriately paid by credit card.

The company credit card cannot be used to obtain cash advances, bank checks, traveler's checks or electronic cash transfers for expenses other than those incurred by the assigned employee named on the card, or for personal expenses. Misuses of the card will result in cancellation of the card and withdrawal of company credit card privileges. If the card is used for an employee's personal expenses, the employer reserves the right to recover these monies from the employee cardholder. Cardholders will be required to sign a declaration authorizing the company to recover, from their salary, any amount incorrectly claimed.

Each card will be limited to a maximum of \$1,000-\$6,000. Increases to the established maximum may be made on a case-by-case basis by the District Director.

Company credit card expenditures must be reconciled monthly. Original receipts must be turned into the main office within 5 days of purchase, with explanation of what the purchase was for. The main office will receive the monthly credit card statement and reconcile to receipts.

Continued or repeated nonconformance to this policy will result in cancellation of the card and such other actions as appropriate. If the card expenditures (receipts) are not turned into the main office or a plausible explanation is not received by the Business Manager, the employee's corporate credit card will be cancelled.

Lost or stolen credit cards must be reported immediately to the District Director or Business Manager.

All employees issued a company credit card will be required to sign the Credit Card Agreement upon receipt of company credit card (Appendix A).

### **Section 11 PARK EVICTIONS**

The Crook County Parks & recreation District Board of Directors, in accordance with ORS 266.410(7)(b), has adopted the following regulations governing the conduct of the users of the parks, trails and recreation facilities within the district (district boundaries) including those facilities located within the City of Prineville (City) and Crook County (County).

#### **ARTICLE 1 – CONDUCT ON DISTRICT PROPERTY**

1. The executive Director is authorized to establish rules and regulations that govern the use of specific parks, trails and recreation facilities in any manner that provides for the productive, sustainable and safe operation and use of district resources.
2. No person shall engage in a criminal activity while in district facilities or on district property. All criminal activity shall be reported to the Prineville Police Department or Crook County Sheriff's Department.
3. No person shall disturb, injure or endanger the comfort, health, peace or safety of others on district property.

4. Persons using district property shall obey the following rules and regulations:
  - a) No unauthorized person shall cut, remove or damage vegetation on district property.
  - b) No Person shall build a fire in any area not specifically designated for that use. Portable propane camp stoves and barbeques in safe operating condition may be used in the parks. Portable propane camp stoves and barbeques must be operated in a safe manner that does not cause damage to district property.
  - c) No person shall camp on district property unless it is specifically designated for that purpose. The Executive Director or designee can authorize special use camping for specific events.
  - d) No person shall damage or deface district property.
  - e) No person shall sell merchandise or services, or operate a concession on district property without permission of the district and shall possess, on their person, evidence of such approval.
  - f) No person shall litter on district property. Garbage and refuse shall be deposited in proper receptacles provided for this purpose or carried off site for disposal. Garbage and refuse shall not be brought to district property for disposal.
  - g) No person shall use airborne projectiles such as golf equipment, archery equipment, discus, javelin, or shot-put that may harm district property or people on district property, except as authorized by the Executive Director or designee.
  - h) No person shall possess a firearm on district property, except those persons authorized to carry firearms under Oregon Law.
  - i) No person shall dig up, deface or remove dirt, stones, rock or other substances nor make any excavation on district property.
  - j) No person shall place signs, markers or instructions on district property without authorization of the Executive Director or designee.
  - k) No person shall wash clothes or materials or clean fish in streams, ponds or restrooms on district property.
  - l) The use of any device that amplifies sound on district property shall be regulated in accordance with City code.
  - m) No person shall use any rolling device such as bicycle, skateboard, scooter, inline skates, etc., in a manner that may cause potential harm to other people, pets, and wildlife on district property.
  - n) No bicycles or pets, except service animals, are allowed in district restrooms.
  - o) No person shall operate a metal detector on district property without a permit in their possession.
  - p) No person shall drink or be in possession of an open container of an alcoholic beverage on district property without obtaining an alcohol consumption permit issued by the City of Prineville.
  - q) No person over the age of six (6) years is allowed to enter a restroom, washroom, or locker facility designated for the opposite sex, except those who need assistance and/or accompanied by a parent, legal guardian or caregiver.
  - r) No person shall use a cell phone, camera or other photographic equipment inside a restroom facility, dressing room or changing area.

- s) No person shall organize, conduct or participate in any tournament, camp, or scheduled activity without prior authorization from the Executive Director or designee. Any scheduled district activity has priority use of district facilities.
- t) Sexually explicit material, as defined by Oregon law, shall not be displayed in view of minors. No person or group engaging in an authorized event may display sexually explicit artwork or similar displays or performances that interfere with other patrons' enjoyment of district facilities. Artwork, displays or performances must be stationed so as to minimize disturbance to those wishing to avoid such displays and/or performances, minimize congestion, and promote the flow of foot traffic through the facility. All displays must be placed in areas designated for that purpose.
- u) No person shall tether, launch or land a hot air balloon on district property without authorization of the Executive Director or designee.
- v) No person shall jump, dive or launch themselves from district-owned bridges.
- w) The use of any tobacco product or any device that produces smoke is prohibited on all district property. This includes but is not limited to: Tobacco products, cannabis products, hemp, e-cigarette, cigar, pipe tobacco.
- x) No person shall urinate or defecate on district property except in restrooms or portable toilets provided for that purpose.

#### **ARTICLE 11 – HUNTING, FISHING, FIREARMS & FIREWORKS**

No person shall discharge a firearm or use a weapon on district property unless in self-defense of a life and death situation. Weapons include spring or air-activated weapons that propel projectiles by use of a bow or sling, explosives, or jet or rocket propulsion. Only persons authorized by the State of Oregon in accordance with their official duties, or in writing by the Executive Director, shall be authorized to fire or discharge any firearm or weapon.

- a) No person shall hunt on any district property, except as authorized by the Executive Director and/or the Oregon Department of Fish and Wildlife.
- b) No person shall discharge any fireworks or explosives on district property, except as authorized by the Executive Director or designee.

#### **ARTICLE III - ANIMALS**

- a) Domestic animals must be on a leash while on district property. Dogs are allowed off-leash only in designated areas. Dog owners must control their animals at all times and comply with ORD 90.1-90.99.
- b) You must not allow a dog or animal to engage in fighting with other dogs, animals or persons nor shall you allow a dog or animal to harass, threaten or injure any person or other animal.
- c) You must not allow a dog or animal to damage district property or property belonging to persons other than the owner or keeper of the animal.

- d) Animal waste must be removed by the owner or keeper before leaving the area.
- e) An animal must not be left unsupervised or fixed to any stationary object in a manner that may allow the animal to charge, become free or lunge causing injury to humans or other animals.
- f) You must not ride or lead a horse or other stock animal on district property except in designated areas or with a special permit.
- g) While using designated off-leash areas, dogs must be under verbal control of an owner or keeper at all times.
- h) While using designated off-leash areas, owners or keepers must carry a dog leash with them at all times.
- i) Owners or keepers may not have more than 3 dogs in an off-leash area at one time.
- j) Owners or keepers must obey posted times of use in off-leash areas.
- k) Children under the age of 12 may not be in the off-leash area without adult supervision.

**ARTICLE IV – VEHICLES**

- 1. Motorized vehicles may be operated:
  - a. On roadways and parking areas specifically designated for motorized vehicles; and/or
  - b. By special permit; and/or
  - c. As needed for public safety purposes.
- 2. No vehicle shall be parked in a loading zone on district property for more than 30 minutes.
- 3. Use of parking areas on district property is restricted to users of those sites.
- 4. No person shall block the flow of traffic in a parking lot, or prevent emergency vehicles access, by double parking or blocking a fire hydrant, driveway or entry gate.
- 5. No vehicle may be parked on district property between 10:00pm and 5:00am, except by:
  - a. Special permit
  - b. When pre-approved in writing by the Executive Director.
- 6. Vehicles left on district property for twenty-four hours or more may be considered abandoned.
- 7. Vehicles may be towed in accordance with the requirements of Oregon law at the owner’s expense.

## **ARTICLE V - SPECIAL USE PERMITS**

Persons issued special use permits must abide by all park rules and regulations, and all applicable ordinances. The permit holder shall be liable for any loss, damage or injury sustained by any person using district facilities pursuant to the permit. The Executive Director or designee shall have the authority to revoke a permit upon finding violation of any rule, regulation or ordinance, or for other cause. If the permit holder charges for permission to use a specified part of the district land for recreational purposes and the district gives/provides notice with a description of that part (of the land) the immunities provided by Oregon law apply to the remainder of the district's land.

## **ARTICLE VI - CLOSURES**

1. Parks not designated for camping are closed from 10:00pm to 5:00am unless otherwise posted. It shall be unlawful to enter or remain on district property during closed hours except;
  - a. A person may enter and remain in a closed district property for a reasonable amount of time to retrieve their personal property or vehicle.
  - b. A pedestrian may travel through district property to destinations outside of district property.
  - c. District staff and emergency responders may enter closed areas in the course of executing their duties.
  - d. By special permit.
2. District property may be closed or its use limited by the Executive Director or designee to ensure the safety and security of the public/or district property when fire hazards or other hazards exist.
3. No person shall refuse an order to evacuate any district property in time of an emergency.

## **ARTICLE VII – EXCLUSIONS**

**Reference:** <http://www.codepublishing.com/OR/Prineville/Chapter 12.18>

### **CIVIL EXCLUSIONS AND PUBLIC PLACES**

Sections:

- 12.18.010 Purpose.
- [12.18.020](#) Authority.
- [12.18.030](#) Definitions.
- [12.18.040](#) Prohibited acts generally.
- [12.18.050](#) City manager authorized to adopt rules.
- [12.18.060](#) Rules of conduct.
- [12.18.070](#) Enforcement and exclusion.
- [12.18.080](#) Warning – Conduct subject to exclusion.
- [12.18.090](#) Notice.
- [12.18.100](#) Right to appeal – Hearing procedure.
- [12.18.110](#) Application for waiver.
- [12.18.120](#) Violation – Criminal trespass.

- [12.18.130](#) Crook County Parks and Recreation Rules of Conduct
- [12.18.140](#) Crook County Parks and Recreation locations within city
- [12.18.150](#) Penalties

**ARTICLE VIII – ENFORCEMENT OF RULES AND REGULATIONS**

1. The Executive Director or designee, as well as any peace officer, as defined in Oregon law, are vested with the authority to enforce these rules and regulations and:
  - a. Issue a citation as provided by Oregon law to any person who violates any provision of the districts rules and regulations.
  - b. When authorized by law, seize from any persons’ property that is being used or left in violation of the rules and regulations
  - c. Refuse entrance to a district facility or program, or to require a person to leave district property, facility or program.
2. No person shall refuse to leave any district property, facility or program after being directed to leave by a peace officer, the Executive Director, or designee.
3. No person shall interfere with ay district personnel enforcing these rules and regulations.
4. The Executive Director or designee shall have the authority to issue special use permits, or to grant exceptions or waivers to any of the terms of this ordinance for authorized events and activities.
5. Pursuant to Oregon law, violation of these regulations is a misdemeanor punishable by exclusion; or upon conviction by a fine or imprisonment, or both.
6. Should any word, sentence, paragraph, clause or phrase of this ordinance be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of this ordinance, which shall remain in full force and effect.

**CHAPTER 132: EXCLUDING CERTAIN PERSONS FROM PUBLIC PROPERTY**

Section

- [132.01](#) Purpose
- [132.02](#) Definitions
- [132.03](#) Authority
- [132.04](#) Prohibited acts generally
- [132.05](#) Rules of conduct
- [132.06](#) Enforcement and exclusion
- [132.07](#) Warning – Conduct subject to exclusion
- [132.08](#) Notice
- [132.09](#) Right to appeal – Hearing procedure

[132.10](#) Application for waiver

[132.11](#) Criminal trespass

### **132.01 PURPOSE.**

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The purpose of this chapter is to protect law-abiding citizens in their use of public places within the City of Prineville and to authorize exclusion of certain persons from public places when those persons violate applicable federal or state laws, city ordinances and rules promulgated by public bodies where the conduct of such person is violent or disrupts others or the conduct of the operations of the public bodies.

(Ord. 1225, passed 9-27-16)

### **132.02 DEFINITIONS.**

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For the purpose of this chapter, the following definitions apply:

“Applicable provision of law” includes any applicable provision of this chapter, of any city ordinance applying to the use of public places, any applicable criminal or traffic law of the state of Oregon, any federal law, any law regarding controlled substances or alcoholic beverages, any applicable City of Prineville (COP) ordinance or regulation, and any ordinances, orders, rules or regulations of any public body. For purposes of this chapter, “applicable” means relating to the person’s conduct in the public place.

“Authorized employee” means:

(A) An employee of a public body authorized by such public body to exclude persons from public places managed by the public body;

(B) A city Code Enforcement Officer; and

(C) A peace officer.

“Chief of Police” means the city’s Chief of Police.

“City” means the City of Prineville.

“City Manager” means the Prineville City Manager or his or her designee.

“City property” means any building, structure, or land owned or leased by the city, including, but not limited to City Hall, city parks, trails, bike paths, bridges, streets, alleys, city parking lots, and any open public space within the city.

“Hearings Officer” means a person appointed by the City Manager, which person may be an employee of the city.

“Public body” means the City of Prineville, Crook County Parks and Recreation District, Crook County, Crook County Fire and Rescue, and any other special district, municipal corporation, or division or agency of the state of Oregon or the United States.

“Public place” means any property owned or managed by any public body, including, but not limited to, city property and public park areas managed by Crook County Parks and Recreation District.

“Rules of conduct” means the rules and regulations set out in § [132.05](#).

(Ord. 1225, passed 9-27-16)

### **132.03 AUTHORITY.**

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(A) In addition to other remedies provided for city ordinance violations, to include this chapter, or any laws of the state of Oregon or the federal government, a person may be excluded by an authorized employee from a specific public place if such person violates any applicable provision of law in a public place.

(B) Nothing in this chapter shall be construed to authorize the exclusion of any person lawfully exercising free speech rights or other rights protected by the Oregon or U.S. Constitution. However, a person engaged in such protected activity who commits acts that are not protected, but that violate applicable provisions of law shall be subject to exclusion as provided by this chapter.

(Ord. 1225, passed 9-27-16)

### **132.04 PROHIBITED ACTS GENERALLY.**

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(A) Any act or thing prohibited or the failing to do any required act or thing by this chapter, in a public place, within the corporate limits of the city is hereby declared to be a violation of this chapter.

(B) Any act or omission made unlawful under this chapter shall include causing, allowing, permitting, aiding, abetting, suffering, or concealing any such act or omission.

(Ord. 1225, passed 9-27-16)

**132.05 RULES OF CONDUCT.**

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While on or about any public place:

- (A) No person shall violate any federal or state laws, city ordinance, or Crook County Park and Recreation District rule.
- (B) No person shall enter or remain on any city property for purposes other than to conduct legitimate business with the city or to use that property lawfully under the laws and rules that apply.
- (C) No person shall enter or attempt to enter any secure portion of any city property that is not open to members of the general public without authorization from the City Manager.
- (D) No person shall engage in conduct that degrades the appearance of city property, including but not limited to depositing trash or defacing property.
- (E) No person shall spit on any surface on any public place other than the ground.
- (F) No person shall engage in conduct that disrupts or interferes with operations of the city government, or disturbs city customers or employees, including but not limited to conduct that creates unreasonable noise or consists of loud or boisterous physical behavior.
- (G) No person shall engage in conduct that subjects customers or employees of the city government to annoyance or alarm, including but not limited to conduct that involves the use of abusive or threatening language or gestures.
- (H) Unless specifically authorized, no person shall use a public place for the purpose of housing or camping, including but not limited to placing objects such as vehicles, bicycles, backpacks, carts, or other items in a manner that interferes with the free passage of persons.

(Ord. 1225, passed 9-27-16)

**132.06 ENFORCEMENT AND EXCLUSION.**

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- (A) An exclusion issued under the provisions of this chapter shall be for the following timeframes:

(1) Thirty days for an exclusion based on an offense or rule not covered by subsection (A)(2) or (3) of this section.

(2) Ninety days if the basis for the exclusion is a felony or misdemeanor offense under federal law or state law. In addition, if the person to be excluded has been excluded from any public place at any time within two years before the date of the present exclusion, the exclusion shall also be for 90 days.

(3) One hundred eighty days if the person to be excluded has been excluded from one or more public places under this chapter on two or more occasions within two years before the date of the present exclusion.

(4) Twenty-four hours when a person's behavior does not violate one or more of the provisions set forth in § 132.07, but causes either of the following:

(a) A significant and immediate threat to public health or safety; or

(b) A serious disturbance that prevents other persons from enjoying a public place.

If a person receives two 24-hour exclusions within any 90-day period, then any subsequent exclusions may be for a period of 30 days.

(5) Nothing herein precludes a no-contact condition of pretrial release or probation condition, which operates to exclude the individual from specified public places.

(B) If a person is issued a subsequent exclusion while a previous exclusion is stayed pending appeal (or pending judicial review, should a court stay the exclusion), the stayed exclusion shall be counted in determining the appropriate length of the subsequent exclusion. If the previous exclusion is set aside, the term of the subsequent exclusion shall be determined, as if the previous exclusion had not been issued. If multiple exclusions issued to a single person for one public place are simultaneously stayed pending appeal, the effective periods of those which are affirmed shall run consecutively.

(Ord. 1225, passed 9-27-16)

#### **132.07 WARNING – CONDUCT SUBJECT TO EXCLUSION.**

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Before issuing an exclusion under this chapter, the authorized employee shall first give the person a verbal warning and opportunity to desist from the violation of an applicable provision of law. An

exclusion shall not be issued if the person promptly complies with the direction and desists from violating the applicable provision of law. Notwithstanding the provisions of this chapter, no warning shall be required if the person is to be excluded for engaging in conduct that:

(A) Is classified as a felony or as a misdemeanor under the following chapters of the Oregon Revised Statutes (ORS), or is an attempt, solicitation or conspiracy to commit any such felony or misdemeanor defined in the ORS:

- (1) ORS Chapter [162](#), Offenses Against the State and Public Justice;
  - (2) ORS Chapter [163](#), Offenses Against Persons;
  - (3) ORS Chapter [164](#), Offenses Against Property, except for ORS [164.805](#), Offensive Littering;
  - (4) ORS Chapter [165](#), Offenses Involving Fraud or Deception;
  - (5) ORS Chapter [166](#), Offenses Against Public Order; Firearms and Other Weapons; Racketeering;
  - (6) ORS Chapter [167](#), Offenses Against Public Health, Decency and Animals;
  - (7) ORS Chapter [475](#), Controlled Substances; Illegal Drug Cleanup; Paraphernalia; Precursors;
- or

(B) Otherwise involves a controlled substance or alcoholic beverage; or

(C) Has resulted in injury to any person or damage to any property; or

(D) Constitutes a violation of any of the following provisions of the Code of Prineville:

- (1) Chapter [90](#), Animals;
- (2) Section [93.14](#), Dangerous animals;
- (3) Section [130.25](#), Weapons;
- (4) Section [131.02](#), Overnight camping on public property;

(5) Section [130.45](#)(D), Urination or Defecation in Public Places, except if the conduct involves only urination on a permeable surface (such as grass, dirt, mulch or other plant materials) in a park; or

(E) Is conduct for which the person previously has been warned or excluded for committing in a public place.

(Ord. 1225, passed 9-27-16)

### **132.08 NOTICE.**

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A report shall be taken documenting facts, and a written notice shall be given to any person excluded from any public place, whether it be an exclusion warning or an exclusion for a specific time. The notice shall identify the applicable provision of law the person has violated and contain a brief description of the offending conduct, the places of exclusion, and the start date and end date of the exclusion period, or that it is an exclusion warning. The notice shall be signed by the authorized employee and shall prominently display a warning of the consequences for failure to comply. The notice shall include information on the right to appeal, including the time limit and the place of delivering the appeal.

(Ord. 1225, passed 9-27-16)

### **132.09 RIGHT TO APPEAL – HEARING PROCEDURE.**

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(A) A person receiving an exclusion notice under § [132.08](#) may appeal to the city to have the exclusion rescinded or the exclusion period shortened. An appeal shall be filed by providing a written request for hearing within five business days of the date of the exclusion notice. Failure to file written notice of appeal within five business days will be deemed a waiver of any appeal rights.

(B) The request for an appeal hearing must be in writing, contain a copy or description of the notice of exclusion, and a statement of the basis on which the decision to exclude is invalid, unauthorized, or otherwise improper.

(C) A hearing on the appeal shall be scheduled within ten business days of receiving the request, unless the appellant requests a later date. Notice of the hearing time and date shall be mailed to the appellant at the address he or she furnished to the authorized employee and to the person issuing the exclusion notice.

(D) At the hearing, the appellant may contest the validity of the exclusion and may present evidence. The public body shall have the burden of proving the validity of the exclusion by a preponderance of the evidence. The public body may present evidence either by testimony or by written report of the authorized employee. If the public body's evidence is presented only by written report and the Hearings Officer cannot resolve a question by information contained in the report, the hearing may be held open for a reasonable time to complete the record.

(E) If the Hearings Officer finds the public body has proved each element necessary to issue the exclusion notice, and if the exclusion is otherwise in accordance with law, the Hearings Officer shall uphold the exclusion.

(F) If the Hearings Officer finds that the public body has not met its burden of proof or that the exclusion is otherwise unlawful, then the Hearings Officer shall enter an order rescinding the exclusion.

(G) If an appeal of the exclusion is timely filed under this section, the exclusion shall be stayed pending the outcome of the appeal. If the exclusion is affirmed, the remaining period of exclusion shall be effective immediately upon the issuance of the decision, unless the Hearings Officer specifies a later effective date.

(H) The determination of the Hearings Officer is a final decision and is not appealable to the City Council. Appeals from any determination by the Hearings Officer under this chapter shall be by writ of review to the Circuit Court of Crook County, Oregon, as provided in ORS [34.010](#) through [34.100](#).

(Ord. 1225, passed 9-27-16)

### **132.10 APPLICATION FOR WAIVER.**

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At any time within the period of exclusion, a person receiving such notice of exclusion may apply in writing to the Chief of Police for a limited waiver of some or all of the effects of the exclusion for good cause. If a waiver is granted under this section, the Chief of Police shall promptly notify the public body which manages the public place from which the person was excluded of such action and enter the waiver information into the exclusion database kept by the Prineville Police Department. In exercising discretion under this section, the Chief of Police shall consider the seriousness of the violation for which the person has been excluded, the particular need of the person to be in the public place during some or all of the period of exclusion, such as for work or to attend or participate in a particular event (without regard to the content of any speech associated with that event), and any other criterion the

Chief of Police determines to be relevant to the determination of whether or not to grant a waiver. Notwithstanding the granting of a waiver under this section, the period of waiver will be included for purposes of calculating the appropriate length of exclusion under § 132.06. The decision of the Chief of Police to grant or deny a waiver, in whole or in part, under this section is committed to the sole discretion of the Chief of Police and is not subject to appeal or review. Exclusions and waivers of exclusions will also be forwarded to the public body managing the public place from which the person was excluded.

(Ord. 1225, passed 9-27-16)

### **132.11 CRIMINAL TRESPASS.**

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No person shall enter or remain in any public place at any time during which there is in effect a valid exclusion issued under this chapter excluding that person from that place. A person who knowingly violates a valid notice of exclusion from a public place under this chapter commits the crime of Criminal Trespass II.

(Ord. 1225, passed 9-27-16)

## **ARTICLE VI AMENDMENTS**

**Section 1 AMENDMENTS** These procedures may be amended at any regular meeting of the Board of Directors by a majority vote of the entire Board (5 members), provided that previous notice of the nature of any proposed amendment shall have been given at least one regular meeting before the action thereon shall be taken.

# APPENDIX A – COMPANY CREDIT CARD AGREEMENT

## COMPANY CREDIT CARD AGREEMENT

**EMPLOYEE NAME:** \_\_\_\_\_

**POSITION:** \_\_\_\_\_

I have been issued a company credit card, I understand and agree to the following:

- I bear ultimate responsibility for the credit card.
- I will not use the company credit card to withdraw cash.
- I will not use the company credit card for personal expenses and will use it only for official business on behalf of the company.
- If I misuse the card (i.e., use it otherwise than in accordance with the instructions given to me in this agreement or related policies) or otherwise fail to reconcile my expenditures within the prescribed procedures and timeframe, I authorize the company to recover the funds through payroll deductions for any amounts incorrectly claimed or for reconciliations that are one month in arrears of the statement date.
- If the company credit card is lost or stolen, I will report it immediately to the District Director or Business Manager.
- If I resign from the company, I will return the card with all final receipts of expenditures prior to departure.

\_\_\_\_\_  
Signature of cardholder

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of supervisor

\_\_\_\_\_  
Date